

Senate Judiciary Committee Amendment No. 1 (by Jordan)

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 1364*

House Bill No. 759

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting the amendatory language of Section 1 and by substituting instead the following:

(B) Notwithstanding the provisions of this subsection to the contrary, no defendant, who is charged with committing a sexual offense, shall be eligible for suspension of prosecution as authorized by this chapter. As used in the preceding sentence, "sexual offense" means conduct which constitutes:

(i) Aggravated rape, as described in § 39-13-502;

(ii) Rape, as described in § 39-13-503;

(iii) Aggravated sexual battery, as described in § 39-13-504;

(iv) Sexual battery, as described in § 39-13-505;

(v) Statutory rape, as described in § 39-13-506;

(vi) Aggravated prostitution, as described in § 39-13-516;

(vii) Sexual exploitation of a minor, as described in § 39-17-1003;

(viii) Aggravated sexual exploitation of a minor, as described in § 39-17-1004;

(ix) Especially aggravated sexual exploitation of a minor, as described in § 39-17-1005;

(x) Incest, as described in § 39-15-302;

(xi) Rape of a child, as described in § 39-13-522; or

(xii) Attempt, as described in § 39-12-101, solicitation, as described in § 39-12-102, or conspiracy, as described in § 39-12-103, to commit any of the offenses enumerated herein.

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AND FURTHER AMEND by deleting the amendatory language of Section 2 and by substituting instead the following:

(B) Notwithstanding the provisions of this subsection to the contrary, no defendant, who is found guilty of or pleads guilty to a sexual offense, shall be eligible for deferral of further proceedings and probation as authorized by this section. As used in the preceding sentence, "sexual offense" means conduct which constitutes:

(i) Aggravated rape, as described in § 39-13-502;

(ii) Rape, as described in § 39-13-503;

(iii) Aggravated sexual battery, as described in § 39-13-504;

(iv) Sexual battery, as described in § 39-13-505;

(v) Statutory rape, as described in § 39-13-506;

(vi) Aggravated prostitution, as described in § 39-13-516;

(vii) Sexual exploitation of a minor, as described in § 39-17-1003;

(viii) Aggravated sexual exploitation of a minor, as described in § 39-17-1004;

(ix) Especially aggravated sexual exploitation of a minor, as described in § 39-17-1005;

(x) Incest, as described in § 39-15-302;

(xi) Rape of a child, as described in § 39-13-522; or

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(xii) Attempt, as described in § 39-12-101, solicitation, as described in § 39-12-102, or conspiracy, as described in § 39-12-103, to commit any of the offenses enumerated herein.

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